

United States District Court
Eastern District of California

Darrel L. Smith,

Plaintiff, No. Civ. S 04-0702 MCE PAN P

vs. Order

King, et al.,

Defendants.

-oOo-

Plaintiff is a prisoner, without counsel, prosecuting this civil rights action on the claim defendant King was deliberately indifferent to his safety by releasing confidential information about plaintiff's enemies. Plaintiff moves to compel discovery of another inmate's medical records.

A party may move for an order compelling discovery with respect to objections or other failure to respond to interrogatories or requests to produce documents. Fed. R. Civ. P. 37(a) (2) (B), 33(b) (5), 34(b).

1 Plaintiff makes no showing he served defendant with either
2 interrogatories or a request to produce documents and that
3 defendant either objected or failed to respond.

4 Accordingly, plaintiff's October 25, 2004, motion is denied.

5 So ordered.

6 Dated: July 12, 2005.

7 /s/ Peter A. Nowinski

8 PETER A. NOWINSKI
Magistrate Judge